

## Article - Natural Resources

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§5-906.

(a) Each local project shall conform to a comprehensive plan the local governing body approves and have the approval of official planning agencies having jurisdiction, including comprehensive planning agencies.

(b) Every acquisition and development project funded by the State in whole or in part shall meet needs identified in the Maryland Land Preservation and Recreation Plan prepared and revised every 5 years by the Department in consultation with the Department of Planning and local governments. The document shall identify and recommend for State acquisition efforts those resource areas facing the most intense or immediate development pressure. These resource areas shall be designated as targeted areas. The document and any changes to it shall be distributed to every local governing body.

(c) The Department shall administer the local projects portion of Program Open Space and promulgate and adopt rules and regulations governing submission of applications and allowable project costs.

(d) As provided in § 5-905(a) of this subtitle, beginning on December 1, 1973, local projects shall not be considered or approved for a grant until the annual program of the subdivision has been submitted.

(e) The applicant shall certify on each application that:

(1) The project conforms to the annual program of the local governing body as provided for in § 5-905(a) of this subtitle;

(2) A governmental agency is charged to manage and administer an outdoor public recreation and open space program;

(3) Funds are available or will be available within 12 months of the date of submission of the application to pay the local share of the project cost;

(4) The value or interest in the land proposed for acquisition has been established by qualified appraisers;

(5) The applicant has applied for federal funds and has received notification of federal approval or disapproval, or the applicant has applied for federal funds and has not received notification of a grant approval or disapproval within 120

days of submission of an official federal grant application, or has verified that the project is not eligible for federal funds;

(6) The Department's rules and regulations have been complied with;

(7) Land acquired or developed under a State grant from Program Open Space may not be converted, without written approval of the Secretary, the Secretary of the Department of Budget and Management, and the Secretary of the Department of Planning from outdoor public recreation or open space use to any other use. Any conversion in land use may be approved only after the local governing body replaces the land with land of at least equivalent area and of equal recreation or open space value; and

(8) (i) For any conversion of land acquired or developed under a State grant from Program Open Space as provided in paragraph (7) of this subsection, the appraised monetary value of the land proposed for acquisition shall be equal to or greater than the appraised monetary value of the land to be converted, under the proposed new use of the converted land.

(ii) The State shall consider these funds in excess of the encumbered Program Open Space funds to the local jurisdiction.

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